

REMARKS

The Examiner's non-final Office Action of January 18, 2006, has been carefully considered. In the instant application, claims 1, 3 and 6-8 are pending and rejected. Claims 2, 4, 5, 9 and 10 are withdrawn from consideration due to the Examiner's restriction requirement. In view of the above amendment and the following remarks, reconsideration and withdrawal of the present basis for rejecting and objecting to the claims herein of this application is respectfully requested.

I. Amendment to the Claims

Claims 1 and 7 are amended to limit R₅ being indolyl. Support for such amendment is found throughout the specification, such as at page 23, line 7. Claim 1 is also amended to limit X being S due to the Examiner's restriction requirement. In addition, claim 1 is amended to add a proviso and to cancel the definitions of the group Hetar and Ar to better and more properly reflect what Applicants have a right to claim as their invention.

Claims 2-5 are cancelled, without prejudice.

Claims 6-10 are amended to reflect proper antecedent basis.

Claims 11-12 are added. Support for the new claims is found throughout the specification, such as at page 14, lines 10 and 26, and at page 36, line 5.

Applicants reserve the right to pursue the subject matter of the cancelled claims in a subsequent application.

No new matter has been added by these amendments:

II. Objection to Claim 3

Claim 3 is objected to because claim 3 does not end in a period.

Applicants submit that claim 3 has been cancelled, without prejudice, thus, hereby obviating the instant objection. Accordingly, Applicants respectfully request reconsideration and withdrawal of the instant objection.

III. Rejection on Claims 1, 3 and 6-8 Under 35 U.S.C. § 102(b)

Claims 1,3, 6, 7 and 8 are rejected Under 35 U.S.C. § 102(b) as being anticipated by Ritchey (US 4560548), or Alanine et al. (WO 01/97786).

Claims 1,3, 6 and 7 are rejected Under 35 U.S.C. § 102(b) as being anticipated by Kume et al. (US 4675331) or Ueno et al. (US 6020470) or Petrie et al. (US 6342514) or British Patent 1,345,552 or British Patent 1,596,383.

Claims 1,3, 7 and 8 are rejected Under 35 U.S.C. § 102(b) as being anticipated by Henzi (US 2399026) or Abe et al. (US 4929623).

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AVENTIS US PAT DEPT

Docket No. NO. 418202-0P. 14 NP
Application No. 10/634,979

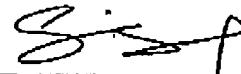
Applicants submit that claim 1 has been amended to limit R₅ being indolyl, thus, hereby obviating the instant rejection as none of the references cited by the Examiner teaches or suggests the claimed compounds having R₅ as indolyl. Accordingly, Applicants respectfully request reconsideration and withdrawal of the instant rejection.

IV. Conclusion

In view of the above amendment and remarks, it is respectfully submitted that the present application is in condition for allowance. Early notice to this effect is, thus, respectfully requested.

The Commissioner is hereby authorized to charge the fee required and any additional fees that may be needed to Deposit Account No. 18-1982 in the name of Aventis Pharmaceuticals Inc.

Respectfully submitted,



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